

Message Text

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PAGE 01 BONN 00308 01 OF 03 061926Z
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 SS-15 NSC-05
VO-03 CIAE-00 FBIE-00 INSE-00 NSAE-00 PPT-01 PM-04
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O R 061917Z JAN 77 ZFF 4
FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 4481
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00308

E.O. 11652: GDS
TAGS: PFOR, PGOV, GW, GE, WB, UR, US, UK, FR
SUBJECT: ALLIED RESPONSE TO GDR VISA MEASURE:
DRAFT PROTEST

REFS: (A) STATE 2497; (B) BONN 242; (C) PARIS 412
(D) PARIS 407; (E) BONN 149; (F) BONN 148

BEGIN SUMMARY: THE EARLIER BONN GROUP DRAFT PROTEST
HAS NOW BEEN APPROVED BY THE FRENCH AND THE GERMANS.
CHANGES INTRODUCED BY THE US REP IN RESPONSE TO THE
DEPARTMENT'S INSTRUCTIONS WILL BE CONSIDERED AT A
MORNING MEETING OF THE BONN GROUP ON JANUARY 7 BY
WHICH TIME THE UK REP ALSO EXPECTS TO HAVE INSTRUCTIONS.
IF AT ALL POSSIBLE, WOULD APPRECIATE RECEIVING BEFORE
TOMORROW'S MEETING ANY ADDITIONAL CHANGES THE
DEPARTMENT WOULD LIKE US TO INTRODUCE. END SUMMARY

1. FRENCH REP (BOISSIEU) INFORMED THE BONN GROUP ON
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PAGE 02 BONN 00308 01 OF 03 061926Z

JANUARY 6 THAT PARIS APPROVED THE BONN GROUP AD REF
TEXT FOR AN ALLIED PROTEST TO THE SOVIETS (REF F)
WITH THE EXCEPTION OF THE FINAL CLAUSE ON WHICH HE
HAD TAKEN RESERVATIONS. AS REPORTED REF B, GENSCHER
HAS ALREADY APPROVED THE TEXT FOR THE FRG. THE UK
REP (HITCH) HAS BEEN INFORMED THAT HIS INSTRUCTIONS
ARE ENROUTE.

2. IN ACCORDANCE WITH INSTRUCTIONS IN REF A, THE US REP PROPOSED SEVERAL AMENDMENTS TO THE JANUARY 4 AD REF TEXT, AIMED AT:

-- DOWNPLAYING THE SIGNIFICANCE OF "MEASURES" TAKEN BY THE GDR BY EQUATING BOTH THE MEASURES AND THE OFFICIAL GDR STATEMENT AS OBJECTS OF ALLIED CONCERN AND CHANGING THE FINAL SENTENCE OF PARA A TO DESCRIBE THE COMBINED ACTIONS OF THE GDR, RATHER THAN THE "MEASURES" AS CONSTITUTING AN ATTEMPT TO INTEGRATE EAST BERLIN INTO THE GDR;

-- CHANGING THE FIRST SUBPARAGRAPH UNDER PARA D, AS INSTRUCTED IN PARA 3, REF A;

-- CHANGING PARA C TO DELETE THE PREVIOUS STATEMENT THAT THE "MEASURES" TAKEN BY THE GDR CONSTITUTED A VIOLATION OF THE QA;

-- DELETING THE REFERENCE TO UNILATERAL CHANGE IN THE EXISTING SITUATION.

3. AS THE OTHER MEMBERS OF THE BONN GROUP IN THE IMMEDIATELY PRECEDING DISCUSSION OF THE DRAFT PRESS STATEMENT HAD MAINTAINED A STRONG PREFERENCE FOR IDENTIFYING THE RECENT MEASURES, IN TERMS OF THE NEW VISA LAW AND THE REMOVAL OF THE CONTROL POINTS, US REP DID NOT INSIST ON DELETION OF REFERENCE CONFIDENTIAL

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PAGE 03 BONN 00308 01 OF 03 061926Z

TO THE CONTROL POINTS IN THE PROTEST BUT SOUGHT ONLY TO MAKE IT CLEAR THAT REFERENCE TO THEM WAS ILLUSTRATIVE.

4. BOISSIEU EXPRESSED WILLINGNESS TO RECOMMEND ALL OF THE CHANGES PROPOSED BY THE US REP TO PARIS. THE UK REP THOUGHT IT WOULD BE PREMATURE TO COMMENT UNTIL HE HAD RECEIVED HIS OWN INSTRUCTIONS. THE FRG IS BASICALLY INTERESTED IN SPEED, AND WE FEEL CERTAIN IT WILL AGREE TO WHATEVER TEXT IS ACCEPTABLE TO THE THREE ALLIES.

5. IN VIEW OF FRENCH REJECTION OF THE FINAL CLAUSE ALLUDING TO COUNTER-MEASURES, US REP PROPOSES TO DROP HIS INSISTENCE ON THAT CLAUSE.

6. AS FOR PLACE OF DELIVERY, THE FRENCH PREFERENCE, ACCORDING TO BOISSIEU'S INSTRUCTIONS, IS FOR BERLIN. RECALLING THAT THE FRENCH WERE ADAMANT IN REFUSING TO

DELIVER THE AUGUST "STERNFAHRT" PROTEST IN MOSCOW,

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PAGE 01 BONN 00308 02 OF 03 061928Z
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C O N F I D E N T I A L SECTION 02 OF 03 BONN 00308

WE DO NOT THINK IT WOULD BE PRODUCTIVE TO TRY TO
PERSUADE THEM ON MOSCOW. US REP WILL THEREFORE CONCUR
IN DELIVERY IN BERLIN UNLESS INSTRUCTED TO THE
CONTRARY.

7. FOLLOWING IS THE DRAFT TEXT AS REVISED TO SHOW
THE CHANGES INTRODUCED BY THE US REP ON JANUARY 6
AND OMITTING THE FINAL CLAUSE WHICH PARIS HAS REFUSED
TO ACCEPT:

BEGIN TEXT

A. THE UNITED STATES(BRITISH, FRENCH)
GOVERNMENT, AFTER CONSULTATION WITH THE GOVERNMENTS
OF FRANCE AND THE UK, WISHES TO DIRECT THE ATTENTION
OF THE SOVIET GOVERNMENT TO CERTAIN MEASURES
INSTITUTED BY THE GERMAN DEMOCRATIC REPUBLIC ON
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PAGE 02 BONN 00308 02 OF 03 061928Z

JANUARY 1, 1977, INCLUDING THOSE FURTHER RESTRICTING FREEDOM OF MOVEMENT OF PERSONS THROUGHOUT GREATER BERLIN AND REMOVING CONTROL POINTS BETWEEN THE EASTERN SECTOR OF BERLIN AND THE GDR, AND TO THE OFFICIAL STATEMENT ISSUED ON DECEMBER 31, 1976, BY AUTHORITIES OF THE GDR CONTAINING INCORRECT ASSERTIONS CONCERNING THE STATUS OF THE CITY OF BERLIN AND CONCERNING THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971. THESE ACTIONS CONSTITUTE AN ATTEMPT BY THE AUTHORITIES OF THE GDR TO INTEGRATE THE EASTERN SECTOR OF BERLIN INTO THE GDR.

B. IN THIS REGARD, THE USG WISHES TO STATE THE FOLLOWING:

-- THE QUADRIpartite STATUS OF GREATER BERLIN STEMS FROM THE ORIGINAL RIGHTS AND RESPONSIBILITIES OF THE FOUR POWERS. QUADRIpartite WARTIME AND POST-WAR AGREEMENTS AND DECISIONS BASED ON THESE RIGHTS AND RESPONSIBILITIES STIPULATED THAT GREATER BERLIN WAS TO BE A SPECIAL AREA UNDER THE JOINT AUTHORITY OF THE FOUR POWERS ENTIRELY DISTINCT FROM THE SOVIET ZONE OF OCCUPATION IN GERMANY.

-- ANY CHANGE IN THE STATUS OF GREATER BERLIN AS REFLECTED IN THESE AGREEMENTS AND DECISIONS WOULD REQUIRE THE AGREEMENT OF ALL FOUR POWERS. NO SUCH AGREEMENT ALTERING THE STATUS OF BERLIN OR PROVIDING FOR A SPECIAL STATUS FOR ANY OF ITS SECTORS HAS EVER BEEN CONCLUDED. NO UNILATERAL STEPS TAKEN IN VIOLATION OF THE QUADRIpartite AGREEMENTS AND DECISIONS RELATING TO GREATER BERLIN, NOR THE FACT THAT THE SEAT OF GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC IS CURRENTLY LOCATED IN THE EASTERN SECTOR OF THE CITY, CAN IMPLY THAT THE QUADRIpartite RIGHTS AND RESPONSIBILITIES RELATING TO ALL PARTS OF BERLIN, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 00308 02 OF 03 061928Z

INCLUDING ITS EASTERN SECTOR, ARE IN ANY WAY AFFECTED OR THAT THERE EXISTS A STATE FRONTIER BETWEEN THE EASTERN SECTOR AND THE WESTERN SECTORS OF BERLIN.

-- THE QUADRIpartite AGREEMENT, SIGNED IN BERLIN ON SEPTEMBER 3, 1971, WAS EXPLICITLY CONCLUDED ON THE BASIS THAT THE QUADRIpartite RIGHTS AND RESPONSIBILITIES

BILITIES AND THE CORRESPONDING WARTIME AND POST-WAR
AGREEMENTS AND DECISIONS OF THE FOUR POWERS ARE NOT

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PAGE 01 BONN 00308 03 OF 03 061929Z
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C O N F I D E N T I A L SECTION 03 OF 03 BONN 00308

AFFECTED.

C. THE UNWARRANTED ASSERTIONS MADE BY THE
AUTHORITIES OF THE GDR AND THE MEASURES TAKEN BY THE
GDR ARE INCONSISTENT WITH THE STATUS OF BERLIN AND
WITH THE QA OF SEPTEMBER 3, 1971, WHICH APPLIES TO
THE WHOLE OF BERLIN. THE QA CAN FUNCTION ONLY IF
ITS FUNDAMENTAL PRINCIPLES ARE RESPECTED IN ALL
PARTS OF THE CITY.

D. THE AUTHORITIES OF THE UNITED STATES, THE
UK AND FRANCE WILL CONTINUE TO EXERCISE THEIR FULL
RIGHTS AND TO DISCHARGE FULLY THEIR RESPONSIBILITIES
IN BERLIN. THEY HOLD THE SOVIET GOVERNMENT
RESPONSIBLE FOR CARRYING OUT ITS OBLIGATIONS
REGARDING BERLIN.

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PAGE 02 BONN 00308 03 OF 03 061929Z

END TEXT

8. COMMENT AND ACTION REQUESTED: WE WILL
HOPE TO BE ABLE TO CABLE A NEW AD REF TEXT AFTER
THE JANUARY 7 BONN GROUP MEETING. TO FACILITATE
AGREEMENT ON TEXT, WE WOULD APPRECIATE RECEIVING ANY
ADDITIONAL CHANGES THE DEPARTMENT BELIEVES NECESSARY
IN ADVANCE OF THE JANUARY 7 MEETING, IF AT ALL
POSSIBLE.
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